

1 BILL NO. S-82-07-10

2 SPECIAL ORDINANCE NO. S-

124-82

3 AN ORDINANCE approving a Promissory
4 Note with Hagerman Shambaugh.

5 WHEREAS, modification in payment terms of the City
6 of Fort Wayne, Indiana's portion of the Water Quality Control
7 Project, Phases A, B and C Advanced Wastewater Treatment Contract
8 with Hagerman Shambaugh Joint Bidders, EPA Project No. C-180774-03
9 is necessary.

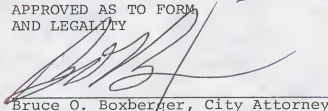
10 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
11 OF THE CITY OF FORT WAYNE, INDIANA:

12 SECTION 1. That the Promissory Note attached hereto,
13 made a part hereof, as if fully set out herein, with respect to
14 the City of Fort Wayne, Indiana and Hagerman Shambaugh Joint
15 Bidders for EPA Project No. C-180774-03 is hereby approved.
16 Two copies of said Promissory Note are on file with the Office
17 of the City Clerk and made available for public inspection,
18 according to law.

19 SECTION 2. That this Ordinance shall be in full force
20 and effect from and after its passage and any and all necessary
21 approval by the Mayor.

22
23
24 APPROVED AS TO FORM
25 AND LEGALITY


Councilmember

26
27 
Bruce O. Boxberger, City Attorney

Read the first time in full and on motion by Burns, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee City Publics (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, 19____, at _____ o'clock ____M., E.S.T.

DATE: 7-13-82

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED (~~lost~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	—	—	<u>1</u>	—
<u>BRADBURY</u>	<u>X</u>	—	—	—	—
<u>BURNS</u>	<u>X</u>	—	—	—	—
<u>EISBART</u>	<u>X</u>	—	—	—	—
<u>GIAQUINTA</u>	<u>X</u>	—	—	—	—
<u>NUCKOLS</u>	—	—	—	<u>X</u>	—
<u>SCHMIDT</u>	<u>X</u>	—	—	—	—
<u>SCHOMBURG</u>	<u>X</u>	—	—	—	—
<u>STIER</u>	<u>X</u>	—	—	—	—
<u>TALARICO</u>	<u>X</u>	—	—	—	—

DATE: 7-27-82

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) NO. S-124-82 on the 27th day of July, 1982.

ATTEST:

(SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of July, 1982, at the hour of 11:30 o'clock PM, E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 28th day of July, 1982, at the hour of 4 o'clock P, E.S.T.

Win Moses, Jr.
WIN MOSES, JR. - MAYOR

BILL NO. S-82-07-10

REPORT OF THE COMMITTEE ON CITY UTILITIES

WE, YOUR COMMITTEE ON City Utilities TO WHOM WAS REFERRED AN
ORDINANCE approving a Promissory Note with Hagerman Shambaugh

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

PAUL M. BURNS - CHAIRMAN

MARK E. GIAQUINTA - VICE CHAIRMAN

JAMES S. STIER

JANET G. BRADBURY

ROY J. SCHOMBURG

7-27-82
CONCURRED IN

DATE

CHARLES W. WESTERMAN, CITY CLERK

HAGERMAN SHAMBAUGH JOINT BIDDERS

P. O. Box 10690
Fort Wayne, IN 46853

June 4, 1982

Board of Works of the City of Fort Wayne
Fort Wayne, IN 46802

Re: Water Quality Control Project, Phases A, B, and C Advanced
Wastewater Treatment, EPA Project No. C-180774-03

Gentlemen:

The undersigned, as joint bidders under the caption contract, by their duly authorized representatives, do hereby approve the modification in payment of the City of Fort Wayne's portion of the caption construction contract by the use of promissory notes to be issued for said city's share on a monthly basis, executed by the Mayor and the Clerk of the City of Fort Wayne and obligating the revenues from the City of Fort Wayne water pollution control utility and water utility for the repayment of said notes, said notes to be given in partial payment of sums owing to the undersigned joint bidders pursuant to the original contract. It is expressly understood by us, however, that this payment procedure will be first approved by the Common Council of the City of Fort Wayne and that no other approvals of any other local, state, or federal agency or governmental authority is necessary to make said notes legally binding upon the City of Fort Wayne. We further understand that in the event said notes are uncollectible in part or totally, we have not waived any rights to collect under the original contract as executed, and may pursue our rights and remedies under said contract as if said notes had not been issued. If our understanding of this modification and payment procedure is the same as the Board

Board of Works of the City of Fort Wayne
Page 2
June 4, 1982

of Works, kindly note your approval at the conclusion of this letter and return two copies to us for our files.

Respectfully submitted,

HAGERMAN SHAMBAUGH JOINT BIDDERS

HAGERMAN CONSTRUCTION CORPORATION

By

Mark F. Hagerman
MARK F. HAGERMAN, President

SHAMBAUGH AND SON, INC.

By

Max P. Shambaugh
MAX P. SHAMBAUGH, President

*APPROVED THIS 16 DAY OF June, 1982.

BOARD OF WORKS OF THE
CITY OF FORT WAYNE

By

Stephen A. Bailey
Stephen A. Bailey, Chairman

By

Roberta Anderson Staten
Roberta Anderson Staten, Member

By

Betty R. Collins, Member

*We are accepting the terms of this letter with the understanding that the interest rates will be 65% of Lincoln National Bank's prime rate from time to time and payment to be per outline previously given.

PROMISSORY NOTE

\$ _____

Fort Wayne, Indiana

The Maker, CITY OF FORT WAYNE, INDIANA, a municipal corporation, promises to pay to the order of HAGERMAN SHANBAUGH JOINT BIDDERS, payee, at One Main Street in Fort Wayne, Indiana, the sum of _____, together with interest thereon from date until maturity at the rate per annum which is equal to sixty-five (65) percent of the Lincoln National Bank & Trust Company's prime rate with costs of collection and attorney's fees, and without relief from valuation or appraisal laws on or before _____. The rate of interest shall change from time to time effective on the same day with a change in said prime rate.

"Prime Rate" means the Bank's published interest rate the Bank charges for 90-day unsecured commercial loans at Fort Wayne, Indiana, to large corporate customers of the highest credit standing.

Notwithstanding anything herein to the contrary, this Note is payable solely from revenues from City of Fort Wayne Water Pollution Control Utility and Water Utility. This Note does not now or shall it ever constitute a charge against the general credit or taxing power of the City of Fort Wayne, Indiana.

Maker hereby waives all presentment, demands, notices and protests and waives all defenses by reason of, and consents to, any one or more extensions of time for payment or other indulgences, renewals, or compositions granted or permitted by the holder. The waiver of any default, or the remedying of any default in a reasonable manner, shall not operate as a waiver of the default remedied on any subsequent occasion or of any other prior or subsequent default.

The loan evidenced hereby has been made and this Note has been delivered in Indiana and shall be governed by the laws of the State of Indiana.

This is one of a series of notes from Maker to payee all of which said notes combined will be retired at the rate of \$83,300.00 per month including principal and interest. Said monthly payment shall be the only monthly obligation which Maker shall be required to make on the entire principal amount and interest. Said monthly payment shall commence January _____, 1983.

IN WITNESS WHEREOF, the undersigned Maker has caused this Note to be duly executed by its duly authorized officers as of the date first above written.

CITY OF FORT WAYNE, INDIANA

BY: _____

WIN MOSES, JR., MAYOR

BY: _____

CHARLES W. WESTERMAN, CITY CLERK

TITLE OF ORDINANCE Promissory Note with Hagerman-Shambaugh

DEPARTMENT REQUESTING ORDINANCE Board of Public Works 82-07-10

SYNOPSIS OF ORDINANCE Modification in payment of the City of Fort Wayne's portion
of the Water Quality Control Project, Phases A, B, and C Advanced Wastewater Treatment
Contract with Hagerman Shambaugh Joint Bidders, EPA Project #C-180774-03, by the use
of promissory notes to be issued for said city's share on a monthly basis, executed
by the Mayor and the Clerk of the City of Fort Wayne and obligating the revenues from the
City of Fort Wayne water pollution control utility and water utility for the
repayment of said notes, said notes to be given in partial payment of sums owing to the
undersigned joint bidders pursuant to the original contract. In the event said notes
are uncollectible in part or totally, we have not waived any rights to collect under
the original contract.

EFFECT OF PASSAGE compliance with the Indiana Stream Pollution Control Board consent
agreement.

EFFECT OF NON-PASSAGE work will be terminated

MONEY INVOLVED (DIRECT COSTS, EXPENDITURE, SAVINGS) Interest - 65% of Lincoln National
Bank & Trust Company's prime rate.

ASSIGNED TO COMMITTEE _____